

appeared only when the final argument was being made. It seems to the Committee that unless Mr. Harris's political influence, or ability as a lawyer, overshadowed all others, the fee was high. I understand from your answer that you would not like to express an opinion on this subject? A. It is true that the services of Messrs. Battle & Mordecai and my firm extended over a period of four or five years, involving the argument before the Circuit Judge, much labor in preparing evidence and taking depositions, and two arguments before the Supreme Court of the United States; and Mr. Harris's labors were of brief duration. We thought the compensation which we received was moderate, but adequate, in dealing with the State. In litigation involving that much to a private person or corporation the fee, of course, would have been very much larger. I had nothing to do with fixing the fee of my associate counsel, Mr. Harris, who was zealous in his attention during his employment, and I concur with the Chairman of the Committee that I should not be called upon to criticise it.

R. H. BATTLE, being duly sworn, says:

Q. You were employed by the Agricultural Department on this suit were you not, Mr. Battle? A. Yes, sir. I was general counsel for the Board, and was specially employed in this case.

Q. How much did you receive as general counsel? A. I think that we received not more than \$100 per year during the time that we were general counsel for the Board. There were other small cases in which we received fees.

Q. As special counsel in this case what were your fees? A. I think Mr. Busbee has correctly stated the amount.

Q. I would like to ask you, Mr. Battle, if you think the services of extra counsel were necessary in this case? A. In reply to that I will say that Mr. J. C. L. Harris had been employed as general counsel for the Department in place of Messrs. Battle & Mordecai, and I suppose that as general counsel the Department thought he ought to be employed to assist in the argument in the Supreme Court of the United States. As to the number of lawyers who should be employed in any case, that is generally a matter of judgment for the client, and counsel do not generally object to the association of other counsel with them when clients see proper to employ additional counsel. Whether the result would have been the same if additional counsel had not been employed for the final argument we can not of course, certainly say.

Q. Did Mr. Harris take any part in preparing this case? A. In reply to that I would say that the case was argued first in the Supreme Court just before its adjournment in the spring of '97,